

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68702 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. SHIV SHANKAR KUMAR @ KARU SINGH @ SHIV SHANKAR KUMAR Son of Basant Singh @ Basant Kumar Sinha Resident of Village - Pawa, P.s.- Deep Nagar, Distt.- Nalanda.
2. Ravi Kumar @ Ravi Kishan Kumar @ Ravikishan Son of Hira Prasad Singh Resident of Village - Pawa, P.s.- Deep Nagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Deepnagar P.S. Case No. 29 of 2021 registered under Sections 147, 149, 341, 379, 353, 188 of the Indian Penal Code and Section-56 of Bihar Minerals (Prevention of illegal Mining Storage and Transportation)



Rules, 2019 as well as Sections- 4, 21 & 22 of the MM(DR) Act, 1957.

Allegedly, illegal excavation of sand was being done. The tractors loaded with sand were seized and, were taken to the police station which was protested by local residents and the accused persons got the tractors released.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Loaded trucks with illegal sand were seized by the police. The local residents protested against the said act of the police and a scuffle is said to have taken place between the parties. Altogether 8 named persons along with 42 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and



suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Deepnagar P.S. Case No. 29 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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